

Control Number: 43175



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APPLICATION OF COMMUNITY §
WATER SERVICE, INC. AND WALTER §
J. CARROLL FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN ELLIS §
COUNTY (37981-S) §

PUBLIC UTILITY COMMISSION
OF TEXAS

**APPLICANT WALTER J. CARROLL COMPANY, INC.'S MOTION TO COMPEL
DISCOVERY RESPONSES FROM THE CITY OF RED OAK, TEXAS**

Comes now Walter J. Carroll Water Company, Inc. ("Applicant") and files this Motion to Compel against The City of Red Oak, Texas (the "City") and in support states as follows:

I. BASIS OF MOTION

1. Parties in this SOAH proceeding have the discovery rights provided in Rule § 155.251 of the Texas Administrative Code and the Texas Rules of Civil Procedure. Parties may use the forms of discovery provided by the Texas Rules of Civil Procedure. TEX. ADMIN. CODE, RULE § 155.251(c).

2. On June 23, 2015, and pursuant to Texas Administrative Code, Rule § 155.251 and the Texas Rules of Civil Procedure, Rules 194 and 196, the Applicant served *Walter J. Carroll Water Co., Inc.'s Requests for Production of Documents to the City of Red Oak, Texas* and *Walter J. Carroll Water Co., Inc.'s Requests for Disclosure to the City of Red Oak, Texas*. True and correct copies of these discovery instruments are attached hereto as Exhibit A and Exhibit B respectively.

3. Applicant's discovery requests seeks information relevant to the Application forming the basis of the above-referenced cause as well as information relevant to the City's expert's affidavit filed herein in support of the City's objection or contest to Applicant's Application on or about June 15, 2015. Indeed, all of the requested information is discoverable and

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will lead to the discovery of information which is relevant with regard to the Application and the City's contest to same.

4. The deadline to respond to these requests was July 23, 2015. The City failed to respond, and despite reasonable efforts and requests by Applicant's attorney, the City continues to fail and/or refuse to respond in any manner whatsoever. As such, an Order Compelling the City to fully respond is necessary.

5. Further, after ruling on a motion to compel, the applicable court may award attorneys' fees and other expenses to the party who prevails. *Id.* at 215.1.

6. Applicant seeks an order requiring the City to pay Applicant's reasonable and necessary attorney's fees and costs incurred in connection with the filing and arguing of this motion. Applicant requests an award of at least \$1,000.00 (or as the Court finds are just) as sanctions for the City's abuse of discovery and complete failure to timely produce the documents and information requested through Applicant's discovery. *See* TEX. R. CIV. P. 215.

7. Upon a ruling from the SOAH Judge herein, Applicant requests the opportunity to then submit evidence of attorney's fees Applicant may necessarily incur in relation to and through the conclusion of this discovery dispute matter.

II. REQUEST FOR RELIEF AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Applicant Walter J. Carroll Water Company, Inc. request that upon hearing, if a hearing is necessary, this SOAH Judge enter an Order immediately requiring the City to serve complete and proper responses to Applicant's Request for Disclosure and Request for Production, allow Applicant an opportunity to submit evidence of attorney's fees and expenses associated with this matter, and, upon consideration of such evidence, award reasonable attorney's fees and all costs of court and expenses incurred by

Applicant in this Motion and discovery matter, and for such other relief, both general and special, at law or in equity to which Applicant may show itself to be justly entitled

Respectfully submitted,

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

/s/Cory Halliburton

CORY HALLIBURTON
State Bar No. 24041044
3030 Matlock Road, Suite 201
Arlington, TX 76015
Telephone: (817) 795-5046
Facsimile: (866) 248-4297
challiburton@wkpz.com

ATTORNEYS FOR WALTER J. CARROLL
WATER CO., INC.

CERTIFICATE OF CONFERENCE

I certify that I made reasonable but unsuccessful attempts to confer with the attorney for The City of Red Oak, Texas, Robert Hager. On September 10, 2015, I provided written notice to Mr. Hager regarding the City's delinquent discovery responses, and thereafter I spoke with Mr. Hager on or about September 15, 2015 and he indicated the City's responses would be forthcoming. To date, I have received no response from the City. Despite good faith efforts, the parties were unable to resolve this dispute before submitting this matter to the Judge for resolution.

/s/Cory Halliburton

CORY HALLIBURTON

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this the 1st day of October, 2015, a true and correct copy of the forgoing Motion to Compel has been forwarded to the parties listed on the service list below as indicated. I certify that this Certificate of Service complies with Title 1, Part 7, Chapter 155, Subchapter C, Rule § 155.103 of the Texas Administrative Code.

/s/Cory Halliburton

Cory Halliburton

SERVICE LIST

<u>PARTIES</u>	<u>REPRESENTATIVE / ADDRESS</u>
SOAH	<u>CM/RRR#7011 3500 0003 3093 3949</u> The Honorable Lilo D. Pomerleau State Office of Administrative Hearings PO Box 13025 Austin, Texas 78711-3025
PUBLIC UTILITY COMMISSION	<u>CM/RRR #7011 3500 0003 3093 3932</u> Mr. Doug M. Brown Attorney-Legal Division Public Utility Commission 1701 N Congress Ave., Ste 8-110 Austin, TX 78711
Walter J Carroll Water Co., Inc.	Mr. Walter Carroll Walter J. Carroll Water Co., Inc. 513 Winding Creek Trail Red Oak, TX 75154
Community Water Service, Inc.	<u>CM/RRR#7011 3500 0003 3093 3925</u> Ms. Bonnie Frame Community Water Service, Inc. P.O. Box 850155 Mesquite, TX 75185 <u>VIA EMAIL</u> Consulting Environmental Engineers, Inc. 150 N. Harbin Dr., Ste. 408 Stephenville, TX 76401
City of Red Oak	<u>CM/RRR#7011 3500 0003 3093 3918</u> Mr. Robert E. Hager NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. 1800 Ross Tower 500 North Akard Dallas, Texas 75201

EXHIBIT A

SOAH DOCKET NO. 473-15-2274.WS
PUC DOCKET NO. 43175

APPLICATION OF COMMUNITY §
WATER SERVICE, INC. and WALTER J. § BEFORE THE STATE OFFICE
CARROLL WATER COMPANY, INC. §
FOR SALE, TRANSFER, OR MERGER § OF
OF FACILITIES AND CERTIFICATE §
RIGHTS IN ELLIS COUNTY § ADMINISTRATIVE HEARINGS

WALTER J. CARROLL WATER CO., INC.'S REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE CITY OF RED OAK, TEXAS

To: The City of Red Oak, Texas, by and through its attorney of record, Mr. Robert E. Hager, Nichols, Jackson, Dillard, Hager & Smith, L.L.P., 1800 Ross Tower, 500 North Akard, Dallas, Texas 75201

Applicant WALTER J. CARROLL WATER CO., INC, by and through its attorney of record, serves the following Requests for Production of Documents on the CITY OF RED OAK, TEXAS. Your answers to the following Requests must be made in writing within thirty (30) days after the date of service of this document in accordance with the applicable Texas Rules of Civil Procedure made effective by the SOAH Administrative Rules (*see, e.g.,* TEX. ADMIN. CODE, Rule § 155.251).

Respectfully submitted,

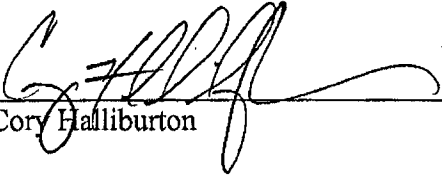
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ATTORNEYS FOR WALTER J. CARROLL
WATER CO., INC.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 23rd day of June, 2015, a true and correct copy of the forgoing Requests for Production of Documents to the City of Red Oak, Texas has been forwarded to the parties listed on the service list below via Certified Mail, Return Receipt Requested. I certify that this Certificate of Service complies with Title 1, Part 7, Chapter 155, Subchapter C, Rule § 155.103 of the Texas Administrative Code.


Cory Halliburton

SERVICE LIST

<u>PARTIES</u>	<u>REPRESENTATIVE / ADDRESS</u>
SOAH	<p><u>CM/RRR#7013 0600 0001 8792 4950</u> The Honorable Lilo D. Pomerleau State Office of Administrative Hearings PO Box 13025 Austin, Texas 78711-3025</p>
PUBLIC UTILITY COMMISSION	<p><u>CM/RRR #7013 0600 0001 8792 4967</u> Mr. Doug M. Brown Attorney-Legal Division Public Utility Commission 1701 N Congress Ave., Ste 8-110 Austin, TX 78711</p>
Walter J Carroll Water Co., Inc.	<p>Mr. Walter Carroll Walter J. Carroll Water Co., Inc. 513 Winding Creek Trail Red Oak, TX 75154</p>
Community Water Service, Inc.	<p><u>CM/RRR#7011 1570 0001 6654 9593</u> Ms. Bonnie Frame Community Water Service, Inc. P.O. Box 850155 Mesquite, TX 75185</p> <p><u>CM/RRR#7011 3500 0003 3093 2942</u> Mr. Dustan Dewinne Consulting Environmental Engineers, Inc. 150 N. Harbin Dr., Ste. 408 Stephenville, TX 76401</p>
City of Red Oak	<p><u>CM/RRR#7011 3500 0003 3093 2935</u> Mr. Albert E. Lawrence Jr. City of Red Oak 200 Lakeview Parkway Red Oak, TX 75154</p> <p><u>CM/RRR#7013 0600 0001 8792 4943</u> Mr. Robert E. Hager NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. 1800 Ross Tower 500 North Akard Dallas, Texas 75201</p>

DEFINITIONS AND INSTRUCTIONS:

In answering or responding to these discovery requests, please follow these definitions and instructions:

1. You are under a duty to make a complete response based upon all information reasonably available to you at the time of your response. You must amend or supplement your response pursuant to the Federal Rules of Civil Procedure.
2. "All" shall include "any" and vice versa.
3. "And" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of the request any documents which might otherwise be considered beyond its scope.
4. The term "communicate" or "communication" shall mean every manner or means of disclosure, transfer or exchange and every disclosure or transfer or exchange of information whether orally or by documents or by face-to-face by telephone, mail, personal delivery or otherwise.
5. "Document" shall mean writings of every type and from any source, including originals and non-identical copies thereof, which are in your possession, custody, or control or known by you to exist. This would include documents sent outside your organization to any source as well as documents intended for internal use.

The term also includes communications not only in words, but in symbols, pictures, sound recordings, film, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems. If the information is kept in a computer or informational storage or retrieval system, the term also includes codes and programming instructions and other materials necessary to understand such systems.

The term "document" or "documents" shall mean writing of every kind, both original and all non-identical copies thereof, in your possession, custody or control, irrespective of whether the writing is one intended for or transmitted to any other person or entity. The term shall include handwritten, typewritten, printed, photocopied, photographic or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in or accessible to computer or other information storage or retrieval systems, together with the codes and/or programming instruction and any other materials necessary to understand and use such systems. For purposes of illustration and not limitation the terms shall include: correspondence, transcripts of testimony, notes, reports, files, records, contracts, agreements, telegrams, teletypes and other documentation sent or received; diaries, calendars, logs, notes or memoranda of telephonic or face-to-face conversations, drafts, paperwork, agendas, bulletins, notices, circulars, announcements, instructions, schedules, minutes, summaries, notes, and any other records or recordings of any conferences or meetings; statements, interviews, bills, vouchers, receipts, and other records of payment; ledgers, journals, bound sheets, profit and loss statements, and any other sources of financial data; analyses, affidavits, published books, articles, speeches, and newspaper clippings, press releases, charts,

drawings, manuals, brochures, memoranda, evaluations, conclusions, studies, records of administrative and financial actions taken or recommended; and all other writings the contents of which relate to, discuss, consider or otherwise refer to the subject matter referred to in the particular discovery request.

6. "Identify" has the following meanings:

- 1) when used in reference to a NATURAL PERSON requires you to state his or her complete and current name, including all names under which a person has previously identified himself or herself, residential and business address(es) and telephone number(s);
- 2) when used in reference to a CORPORATION or other entity, it means to state its full name, form of organization, address of its principal office, and each of its present business addresses and telephone numbers;
- 3) when used in reference to a DOCUMENT, it means to state:
 - (a) the type of document (e.g., letter, memorandum, telegram chart, etc.) or some other means of identifying it;
 - (b) the name, address, and business affiliation and title of the author or signer thereof;
 - (c) its date or dates;
 - (d) the name, address, and position of all addressees and recipients;
 - (e) its present location; and
 - (f) the name, present address, and position of the person or persons having present custody thereof. If any such document was but no longer is in your possession or subject to your control, state what disposition was made of it.
- 4) when used in reference to a COMMUNICATION, it means:
 - (a) to state the manner in which the communication occurred (e.g., by document, by telephone conversation, or by meeting);
 - (b) if the communication was by document, to identify the document, to identify the natural person who sent and received the document, and to state the date on which the document was sent and received;
 - (c) if the communication was by telephone conversations, to identify each natural person who listened to all or part of the conversation, to describe in detail what was communicated by each natural person, and to state the date of the conversation;

(d) if the communication was by meeting, to identify each natural person who received the information communicated, to identify each natural person who provided the information communicated, to state the date on which the communication was sent and received, and to describe the information communicated in detail.

8. **“Meeting”** shall mean any assembly, convocation, or encounter or contemporaneous presence of two or more persons for any purpose whether or not planned, arranged or scheduled in advance.

9. **“Applicant”** shall mean the WALTER J. CARROLL WATER COMPANY, INC.

10. **“Relating to,” “concerning,” and “reflecting”** (or any form thereof) shall include constituting, comprising, respecting, supporting, contradicting, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

11. **“CARROLL”** shall mean Applicant WALTER J. CARROLL WATER COMPANY, INC.

12. **“Things”** shall mean and refer to any tangible items not otherwise included in the definition of “Document” or “Files.”

13. **“The Application”** refers to the application styled *APPLICATION OF COMMUNITY WATER SERVICE, INC. and WALTER J. CARROLL WATER COMPANY, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN ELLIS COUNTY*; made the basis of SOAH DOCKET NO. 473-15-2274.WS; PUC DOCKET NO. 43175.

14. **“You” or “your”** shall mean the City of Red Oak, Texas and any of its agents, representatives, the City Manager of the City of Red Oak, Texas, and members of the City Council of the City of Red Oak, Texas.

**WALTER J. CARROLL WATER COMPANY, INC.'S FIRST REQUEST FOR
PRODUCTION TO THE CITY OF RED OAK, TEXAS**

REQUEST FOR PRODUCTION 1: All documents, including engineer drawings and systems maps, that identify the diameter of any water distribution lines that are less than 6-inches in diameter and that service any fire hydrant located within the City of Red Oak, Texas.

RESPONSE:

REQUEST FOR PRODUCTION 2: All documents, including engineer drawings and systems maps, that identify the diameter of any water distribution lines that service any and all fire hydrants located within any retail public utility system within the City of Red Oak, Texas.

RESPONSE:

REQUEST FOR PRODUCTION 3: All documents, including reports from the TCEQ, representatives from the City of Red Oak, Texas, and/or residents within the City of Red Oak, Texas, that identify, indicate, include or evidence any complaint or notice that any of the distribution lines located within the retail public utility system made the basis of The Application have ever froze.

RESPONSE:

REQUEST FOR PRODUCTION 4: All documents, including reports from the TCEQ, representatives from the City of Red Oak, Texas, and/or residents within the City of Red Oak, Texas, that identify, indicate, include or evidence any complaint or notice that any of the water distribution lines located within the retail public utility system made the basis of The Application have ever broke or sustained breakage due to the depth of the distribution lines or otherwise.

RESPONSE:

REQUEST FOR PRODUCTION 5: All documents, including reports from the TCEQ, representatives from the City of Red Oak, Texas, and/or residents within the City of Red Oak, Texas, that identify, indicate, include or evidence any complaint or notice that any of the distribution lines located within the retail public utility system made the basis of The Application have ever been tampered with due to the depth of the distribution lines or otherwise.

RESPONSE:

REQUEST FOR PRODUCTION 6: All documents, including any ordinance adopted or established by the City of Red Oak, Texas, evidencing that retail public utility systems located within the City of Red Oak, Texas are required to have and/or maintain fire suppression systems and/or fire hydrants.

RESPONSE:

REQUEST FOR PRODUCTION 7: All documents, including any ordinance adopted or established by the City of Red Oak, Texas, evidencing that retail public utility systems located within the City of Red Oak, Texas are required to have and/or maintain fire suppression systems and/or fire hydrants with distribution lines of at least 6-inches in diameter.

RESPONSE:

REQUEST FOR PRODUCTION 8: All documents, including any ordinance adopted or established by the City of Red Oak, Texas, evidencing the depth required by the City of Red Oak, Texas for fire hydrant distribution lines located within any retail public utility systems located within the City of Red Oak, Texas.

RESPONSE:

REQUEST FOR PRODUCTION 9: All documents, including any ordinance adopted or established by the City of Red Oak, Texas, evidencing the depth of the distribution lines located within the retail public utility system made the basis of The Application.

RESPONSE:

SOAH DOCKET NO. 473-15-2274.WS
PUC DOCKET NO. 43175

APPLICATION OF COMMUNITY §
WATER SERVICE, INC. and WALTER J. § BEFORE THE STATE OFFICE
CARROLL WATER COMPANY, INC. §
FOR SALE, TRANSFER, OR MERGER § OF
OF FACILITIES AND CERTIFICATE §
RIGHTS IN ELLIS COUNTY § ADMINISTRATIVE HEARINGS

WALTER J. CARROLL WATER CO., INC.'S REQUESTS FOR DISCLOSURE
TO THE CITY OF RED OAK, TEXAS

To: The City of Red Oak, Texas, by and through its attorney of record, Mr. Robert E. Hager, Nichols, Jackson, Dillard, Hager & Smith, L.L.P., 1800 Ross Tower, 500 North Akard, Dallas, Texas 75201

Applicant WALTER J. CARROLL WATER CO., INC, by and through its attorney of record, serves the following Requests for Disclosure on the CITY OF RED OAK, TEXAS. Pursuant to Rule 194 of the Texas Rules of Civil Procedure your answers to the following Requests must be made in writing within thirty (30) days after the date of service of this document in accordance with the Texas Rules of Civil Procedure.

Respectfully submitted,

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

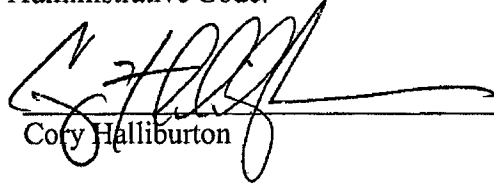


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ATTORNEYS FOR WALTER J. CARROLL
WATER CO., INC.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 23rd day of June, 2015, a true and correct copy of the forgoing Requests for Disclosure to the City of Red Oak, Texas has been forwarded to the parties listed on the service list below via Certified Mail, Return Receipt Requested. I certify that this Certificate of Service complies with Title 1, Part 7, Chapter 155, Subchapter C, Rule § 155.103 of the Texas Administrative Code.


Cory Halliburton

SERVICE LIST

PARTIES	REPRESENTATIVE / ADDRESS
SOAH	<p><u>CM/RRR#7013 0600 0001 8792 4950</u> The Honorable Lilo D. Pomerleau State Office of Administrative Hearings PO Box 13025 Austin, Texas 78711-3025</p>
PUBLIC UTILITY COMMISSION	<p><u>CM/RRR #7013 0600 0001 8792 4967</u> Mr. Doug M. Brown Attorney-Legal Division Public Utility Commission 1701 N Congress Ave., Ste 8-110 Austin, TX 78711</p>
Walter J Carroll Water Co., Inc.	<p>Mr. Walter Carroll Walter J. Carroll Water Co., Inc. 513 Winding Creek Trail Red Oak, TX 75154</p>
Community Water Service, Inc.	<p><u>CM/RRR#7011 1570 0001 6654 9593</u> Ms. Bonnie Frame Community Water Service, Inc. P.O. Box 850155 Mesquite, TX 75185</p> <p><u>CM/RRR#7011 3500 0003 3093 2942</u> Mr. Dustan Dewinne Consulting Environmental Engineers, Inc. 150 N. Harbin Dr., Ste. 408 Stephenville, TX 76401</p>
City of Red Oak	<p><u>CM/RRR#7011 3500 0003 3093 2935</u> Mr. Albert E. Lawrence Jr. City of Red Oak 200 Lakeview Parkway Red Oak, TX 75154</p> <p><u>CM/RRR#7013 0600 0001 8792 4943</u> Mr. Robert E. Hager NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. 1800 Ross Tower 500 North Akard Dallas, Texas 75201</p>

REQUESTS FOR DISCLOSURE

- (a) The correct names of the parties to the lawsuit.
- (b) The names, address and telephone numbers of any potential parties.
- (c) The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).
- (d) The amount and any method of calculating economic damages.
- (e) The names, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.
- (f) For any testifying expert(s):
 - a. the expert's name, address and telephone number;
 - b. the subject matter on which the expert will testify;
 - c. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by or otherwise subject to your control, documents reflecting such information;
 - d. if the expert is retained by, employed by, or otherwise subject to your control:
 - 1. all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - 2. the expert's current resume and bibliography.
- (g) Any indemnity and insuring agreements described in Rule 192.3(f).
- (h) Any settlement agreements described in Rule 192.3(g).
- (i) Any witness statements described in Rule 192.3(h).
- (j) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of this case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of this case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

(l) The name, address and telephone number of any person who may be designated as a responsible third party.

SOAH DOCKET NO. 473-15-2274.WS

PUC DOCKET NO. 43175

APPLICATION OF COMMUNITY	§	
WATER SERVICE, INC. AND WALTER	§	PUBLIC UTILITY COMMISSION
J. CARROLL FOR SALE, TRANSFER,	§	
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN ELLIS	§	OF TEXAS
COUNTY (37981-S)	§	

ORDER ON APPLICANT WALTER J. CARROLL COMPANY, INC.'S MOTION TO COMPEL DISCOVERY RESPONSES FROM THE CITY OF RED OAK, TEXAS

On _____, 2015, the undersigned SOAH Judge considered Applicant Walter J. Carroll Company, Inc.'s ("Applicant") Motion to Compel Discovery Responses from the City of Red Oak, Texas. After considering said motion and any response, and argument of counsel, the Judge is of the opinion the motion should be GRANTED.

IT IS THEREFORE ORDERED that, within ten (10) days of the date of this Order, the City of Red Oak, Texas (the "City") shall produce the documents in the City's possession, custody or control and that are responsive to *Walter J. Carroll Water Co., Inc.'s Requests for Production of Documents to the City of Red Oak, Texas* and the City shall fully respond to *Walter J. Carroll Water Co., Inc.'s Requests for Disclosure to the City of Red Oak, Texas*, both of which bear a certificate of service dated June 23, 2015, are attached to Applicant's Motion to Compel, and which are incorporated herein by this reference as if set out in full for all purposes.

IT IS FURTHER ORDERED that Applicant shall have ten (10) days from the date of this Order to submit evidence of Applicant's attorney's fees, expenses and costs incurred in relation to Applicant's Motion to Compel, as well as a proposed Order for entry in relation to such relief, and any objection to Applicant's requested fee award shall be served and filed within five (5) business days of Applicant's filing.

SIGNED on the ___ day of _____, 2013.

JUDGE PRESIDING